



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

March 30, 2007

TO: Interested Parties

SUBJECT: POLICY ON RELEASE OF WELL DATA COLLECTED BY THE
DEPARTMENT OF PESTICIDE REGULATION CONCERNING WELLS
SAMPLED FOR PESTICIDE RESIDUE

The California Department of Health Services (DHS) and other federal and state agencies have recognized an increased need to secure and protect domestic water supplies after September 11, 2001. Public agencies no longer provide information about the location of domestic water sources in accordance with the provisions of the California Public Records Act (Government Code section 6250 et seq.). Public agencies are also limited in their disclosure of personal information pursuant to the Information Practices Act of 1977 (Civil Code section 1798 et seq.).

Pursuant to Government Code section 6255, the Department of Pesticide Regulation (DPR) determined that public interest is best served by not disclosing specific well location information except under the limited circumstances described in this document. Additionally, DPR will not release personal information about well owners, except as allowed by Civil Code section 1798.24.

Background

As required by the Pesticide Contamination Prevention Act (PCPA), all state, county, and local agencies that sample wells for pesticide residues are mandated to submit their results to DPR. PCPA also requires DPR to conduct pesticide residue monitoring following the registration of pesticides that possess certain physical-chemical properties and use characteristics. By policy, DPR samples wells following reports of pesticide detections to confirm the validity of the detection and to help determine whether the contamination was due to the agricultural use of pesticides. DPR also conducts ongoing monitoring of any pesticide that has been detected in ground water and whose continued use is permitted pursuant to PCPA. Water samples may be obtained from domestic wells that supply water to individual households, agricultural wells used in farming operations, or from municipal wells that supply water to communities.



DPR receives well monitoring data from many agencies including the State Water Resources Control Board, the Department of Water Resources, the U.S. Geological Survey, and city and county health departments; however, most of its well monitoring data comes from DHS. In accordance with the memorandum of understanding signed March 28, 2003, DPR agreed to the following conditions in order to obtain well sampling information from DHS:

- Recognize and protect the confidentiality of the records provided by DHS, as described by the memorandum of understanding.
- Prevent the disclosure of specific well location information and/or personal information regarding the well owner to members of the general public without the prior express written consent of DHS.
- Obtain written agreements from other public agencies to protect the confidentiality of well location information and/or personal information regarding the well owner prior to the release of this information to the requesting agency.

Well Monitoring Records Request Policy for Persons or Entities of the General Public

DPR will not release the exact location of the well or information from which the location can be determined to persons or entities of the general public which may include the well number, latitude and longitude, or other unique identifier. DPR will release only general geographic information about the well location, such as the county, township, range, and section. DPR will not release personal information regarding the well owner, including the individual's name, home address, and telephone number.

Well Monitoring Records Request Policy for Public Agencies

DPR will release specific well location information to another public agency provided the other public agency agrees, in writing, to protect the confidentiality of the information and documents released. DPR will only release personal information regarding the well owner if the other public agency requires this information to perform its mandated duties.

The express written agreement (attached) must be received by DPR before DPR will disclose any requested document(s), including electronically stored data, which contain, refer, or relate to information which discloses, directly or indirectly, the physical address or geographical location of drinking water sources, storage facilities, pumping stations, and/or treatment facilities. Such documents include but are not limited to maps, project plans or specifications, water supply permits, engineering reports, facilities lists, source water assessments, well driller's logs, and schematic diagrams.

All documents and confidential information disclosed and/or provided to the requesting public agency by DPR may not be disclosed to any person(s) or entity(ies) of the general public without the express written consent of DPR's Director.

Limited Disclosure of Personal Information to Registrants Under PCPA

PCPA requires DPR's Director to notify the pesticide product registrant when an active ingredient of a pesticide has been found in ground water or soil under certain conditions. In the notification, DPR includes general information on the location of the pesticide detections, such as the county. PCPA then allows the registrant to request a hearing within 30 days after the notice is issued. A subcommittee of the Pesticide Registration and Evaluation Committee reviews the registrant's documented evidence and report, which are required by PCPA, and any other information or data the subcommittee determines is necessary.

If additional information is requested by the registrant concerning specific locations of the sampled wells, DPR will provide the locations and addresses of the wells to the registrant so the registrant will have the opportunity to obtain additional information it may need to prepare the required documented evidence. Information provided to a registrant may include the well owner's home address, but DPR will not provide the registrant with a well owner's name or telephone number unless DPR obtains written permission from the individual to release that information.

Sincerely,

A handwritten signature in cursive script, reading "Mary-Ann Warmerdam". The signature is written in dark ink and is positioned above the printed name and title.

Mary-Ann Warmerdam
Director
(916) 445-4000

Attachment